

1010
cont'd

58. The method according to claim 50, wherein said award selection comprises an award unit.

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendments, claims 1-17, 33, 34, 39, and 42-58 will be pending in the application, with claims 1, 3, 6, 11, 33, 34 and 49 being the independent claims. Claims 1, 3, 6, 8, 11, 33, 34 and 49 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicant has not made the above amendment to avoid the asserted references, but rather to more clearly claim the invention. Applicant having now reviewed the Examiner's new grounds of rejection, maintains the belief that the pending claims are also patentable over the newly applied references.

If any portion of the specification or claims were sought to be amended in the foregoing, attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Based on the above Amendment and the following Remarks, Applicant traverses the rejections and respectfully requests that the Examiner reconsider all outstanding rejections or objections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner at Section 3 of the Office Action rejects claims 1-17, 33-34, 39, and 42-58 under 35 U.S.C. §103(a) as being unpatentable over Klug et al., U.S. Patent No. 5,996,007 (hereafter “Klug”) considered with Kanter, U.S. Patent No. 5,537,314 (hereafter “Kanter”). Applicant traverses the rejection. As discussed at length below, the present invention differs in several important ways from Klug and Kanter, alone or in combination.

Applicant’s invention sets forth various differences over the applied references of record.

Claim 1, as amended (emphasis added) includes, *inter alia*,

a system for incentive program generation and ***automated award fulfillment***, comprising:
a host computer coupled to a network;
a database accessible from said host computer; and
an ***automated award fulfillment application program*** executable on said host computer for participation in incentive programs of a plurality of providers in communication with an ***inventory management system*** associated with each of said plurality of providers wherein said automated award fulfillment application program is operative to provide ***sponsor-selected fulfillment*** comprising being:
 operative to provide a ***sponsor-selected specific award unit item***,
 operative to provide said sponsor-selected specific award unit item ***tailored to demographic and psychographic preferences of a sponsor-selected consumer user***, and

operative to provide *a sponsor-selected geographic location* for fulfillment.

Klug appears to be directed to a method for providing selected advertising content such as product information and announcements during waiting time of an Internet session to a *consumer user*. The process of Klug involves monitoring a user node to identify a web site access request, accessing a previously stored message set, selecting a message from the message set and displaying or playing back the selected message. The message set and particular messages of Klug may be selected based on user information, information regarding the expected waiting time, or other information. Messages are provided during the wait time that would otherwise be wasted from the perspective of an ordinary Internet *consumer user*. An example of this wait time is the processing time associated with the exchange of information between Internet content providers and Internet content users. See Abstract of Klug. Klug is directed to satisfying a *consumer user*, e.g., content “can be tailored to the user’s interests, and may inure to the user’s benefit.” See col.3, lines 60-67. Klug does not mention merchants, sponsors, or a host according to the present invention and does not teach or suggest a system for generating promotions, does not teach or suggest interactive award notification and does not provide for fulfillment whether automated or manual. Thus, Klug has little relevance to the present invention.

It is important to note that Klug has nothing to do whatsoever with fulfillment, an essential aspect of Applicant’s invention. The Examiner in section 3 of the Office Action on

page 2 concedes this, "Klug does not explicitly teach providing sponsor-selected geographic location for fulfillment." Applicant agrees. The Examiner in section 3 of the Office Action on page 2 asserts that Klug discloses "a fully integrated online interactive and award redemption system. . . an automated award fulfillment application program. . ." Applicant strongly disagrees. Klug never even once uses the words "redemption," or "fulfillment." Klug only uses the word "awarded" in reference to the possibility of awarding frequent flyer-like credits for viewing the wait time content taught by Klug. Also, since Klug does not deal with fulfillment, Klug does not address access to any retailer, or any inventory systems of any providers, i.e., retailers as taught by, e.g., independent claims 1, 3, 6, 11, 33, 34 and 49 and claim 39 of the present invention. Note that Klug never once uses the words "retailer" or "inventory."

Kanter appears directed to a credit accumulation and accessing system for various sponsoring companies and participants having at each sponsoring company location, a common bus which communicates with participant data input, performance data input, computer processing, memory, an award output device, and an input / output (I/O) device. The abstract notes that the I/O device may connect to a central control center, and/or a plurality of second sponsoring companies and/or financial institutions, through communication lines.

Kanter, like Klug, also does not address communication with an inventory management system of a plurality of providers according to the present invention. Kanter relates to a pyramidal, multilevel marketing referral system methodology. Kanter's system does not allow a sponsor to designate an item to be redeemed. Kanter has no knowledge of merchant provider's

inventory data, let alone real time knowledge and allocation of inventory. Kanter only allows a designation of a redemption location and a general amount of redemption. Kanter, also teaches *consumer user* selection of an item to be redeemed in exchange for accumulated credit value. Kanter teaches use of a credit card for credit storage, not identification as taught by the present invention.

The claimed invention, by comparison, sets forth systems and methods for generating an incentive program and for providing automated award fulfillment. Unlike Klug, Applicant's invention deals with *automated award fulfillment*. Automated award fulfillment, according to the present invention, *includes sponsor designated or selected redemption* whereby the sponsor of the award may select or determine what award unit (see Specification at page 93, line 9, for example) will be provided to the consumer user, by communication with an *inventory management system of multiple provides* and may designate the location of the redemption (see Specification at page 95, line 20, for example). The selection can also include a specific consumer user selected by the sponsor which can, e.g., be instructed to go to a store identified as having the award by the inventory management system to pick up the award unit (See for example page 97, line 14-17). The award unit can then be allocated from inventory to ensure availability upon a visit by the specific consumer user. For example, the location may include the geographical location of the retailer, merchant or point of sale (POS) (See for example page 96, lines 2-20). Moreover, the present invention can coordinate the delivery of the award or,

alternatively, arrange for retrieval of awards in volumes that permit successful incentive fulfillment programs.

Klug and Kanter, alone or in combination do not teach or suggest *an inventory management system*, of independent claims 1, 3, 6, 11, 33, 34 and 49, as amended, as well as claim 39 including being in communication with a mechanism for managing and tracking *inventory* data, for coupling with a consumer's demographic and psychographic preferences. The use of inventory sampling, according to Applicant's invention would run counter to the goals of simplicity lauded in Klug and Kanter.

Further, the Examiner has failed to teach a motivation to combine the applied references. Applicant respectfully asserts that the Examiner has not proven his prima facie case of obviousness by not showing a proper motivation to combine. The Examiner appears to be combining the references in hindsight relieing on Applicant's Specification as a roadmap.

Thus, Klug and Kanter, alone or in combination, do not teach or suggest all the features of the present invention. For at least the reason noted above with reference to the independent claims, 1,3,6, 11,33, 34 and 49, dependent claims 2,4-5, 7-10, 12-17, 39, 42-48, and 50-58 are patentable over the applied references.

Moreover, regarding claim 4, the Examiner asserts that Klug teaches or suggests all the elements. Applicant respectfully disagrees. Applicant notes that Klug actually teaches or suggests a system in direct opposition to sponsor designation, Klug instead "allows the *user* to

select program participation parameters. In this regard, for example, the user may wish to indicate a different message matrix...” See col. 6, lines 40-46.

Klug facilitates flexibility and ease for the *consumer user* regarding the selection of waiting time message program participation parameters. The present invention, on the other hand, *gives such flexibility and ease to the sponsor of the award*, rather than the consumer. Thus, Klug and the present invention have opposing and mutually exclusive goals.

Regarding the rejection of claims 8, 9, 16 and 17, Applicant respectfully notes that Klug’s use of a personal identification number (PIN) has nothing to do with performing fulfillment related to an incentive program, but rather is used only for updating a user’s personal profile. Similarly, Kanter’s use of a PIN differs from the Applicant’s invention. Thus, claims 8, 9, 16 and 17 are patentable for this reason also.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

EGGLESTON
Appl. No. 09/412,147

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: August 26, 2002



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Version with markings to show changes made

Kindly amend claims 1, 3, 6, 8, 11, 33, 34 and 49 as follows:

1. (Three times Amended) A system for incentive program generation and automated award fulfillment, comprising:

a host computer coupled to a network;

a database accessible from said host computer; and

an automated award fulfillment application program executable on said host computer for participation in incentive programs of a plurality of providers in communication with an inventory management system associated with each of said plurality of providers wherein said automated award fulfillment application program is operative to provide sponsor-selected fulfillment comprising being:

operative to provide a sponsor-selected specific award unit item,

operative to provide said sponsor-selected specific award unit item tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and

operative to provide a sponsor-selected geographic location for fulfillment.

3. (Three times Amended) A method for generating incentive programs and automating award fulfillment, comprising:

providing a host computer, the host computer having a database and an automated award fulfillment application program in communication with an inventory management system associated with each of a plurality of providers;

automating award fulfillment comprising

providing sponsor-selected fulfillment comprising:

providing a sponsor-selected specific award unit item,

providing said sponsor-selected specific award unit item tailored according to demographic and psychographic preferences of a sponsor-selected consumer user, and

providing a sponsor-selected geographic location for fulfillment;

and

permitting access to said database via a network, including allowing participation in incentive programs of a plurality of providers.

6. (Three times Amended) A system for automating award fulfillment, comprising:
- a network;
 - a host computer, coupled to said network;
 - a database of said host computer;
 - a browser operative to browse content of said host computer, wherein a consumer user participates in an incentive program;
 - an awards database of awards associated with said incentive program; and
 - an automated award fulfillment application program for automating fulfillment of awards for said incentive program, in communication with an inventory management system associated with each of a plurality of providers wherein said automated award fulfillment application program is operative to provide sponsor-selected fulfillment comprising being:
 - operative to provide a sponsor-selected specific award unit item,
 - operative to provide said sponsor-selected specific award unit item tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and
 - operative to provide a sponsor-selected geographic location for fulfillment.

8. (Once Amended) The system of claim 6, further comprising:

a memory operative to store at least a personal identification number associated
with a consumer user for use in performing fulfillment.

11. (Twice Amended) A method for generating incentive programs and automating award fulfillment, comprising:
- providing a host computer;
 - providing an incentive program on the host computer, wherein a participant may participate in an incentive program;
 - providing a database of awards on the host computer associated with the incentive program; and
 - providing automated fulfillment of such awards to participants, including providing communication with an inventory management system associated with each of a plurality of providers wherein said automated award fulfillment application program comprising
 - providing sponsor-selected fulfillment comprising:
 - providing a sponsor-selected specific award unit item,
 - providing said sponsor-selected specific award unit item tailored according to demographic and psychographic preferences of a sponsor-selected consumer user, and
 - providing a sponsor-selected geographic location for fulfillment.

33. (Three times Amended) A system for building an incentive program having automated fulfillment, comprising:

a computer coupled to a network;

an incentive program generation application program for generating an incentive program in response to input of parameters by a user;

an award association application program for associating an award with the incentive program; and

an automated fulfillment application program for associating a fulfillment method with said award wherein said automated fulfillment program in communication with an inventory management system associated with each of a plurality of providers wherein said automated fulfillment application program is operative to provide sponsor-selected fulfillment comprising being:

operative to provide a sponsor-selected specific award unit item,

operative to provide said sponsor-selected specific award unit item tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and

operative to provide a sponsor-selected geographic location for fulfillment.

34. (Three Times Amended) A method of providing for generation of an incentive program having automated fulfillment over a network, comprising:

providing a computer coupled to a network;
generating an incentive program in response to input from a user;
associating an award with the incentive program; and
associating a fulfillment method with the award, wherein at least one of
generating an incentive program, associating an award, and associating a fulfillment
method is accomplished by an automated fulfillment application program in
communication with an inventory management system associated with each of a plurality
of providers, comprising

providing sponsor-selected fulfillment comprising:

providing a sponsor-selected specific award unit item,
providing said sponsor-selected specific award unit item tailored
according to demographic and psychographic preferences of a sponsor-selected consumer
user, and

providing a sponsor-selected geographic location for fulfillment.

49. (Twice Amended) A method of automatically fulfilling an award comprising:
(a) receiving a sponsor designation of redemption of an award for a consumer
user comprising

receiving a sponsor-selected fulfillment comprising:

receiving a sponsor-selected specific award unit item
selected from an inventory management system associated with a plurality of
providers,

receiving said sponsor-selected specific award unit item
tailored according to demographic and psychographic preferences of a sponsor-selected
consumer user, and

receiving a sponsor-selected geographic location for
fulfillment;

(b) automating fulfillment of said award in accordance with said sponsor
designation of redemption.